

REMARKS

Claims 7-10 stand rejected on prior art basis and claims 8-10 stand rejected for informalities. Claims 11-16 have been added to claim additional features of the present invention.

It is noted that any claim amendments are made to merely clarify the language of each claim, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Specifically, claims 1-6,8, and 11-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mongan (US 6,304,982) and claims 7,9,10, and 11-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mongan in view of Asher (U.S. App 2004/0034614).

These rejections are respectfully traversed in view of the following discussion.

I. THE PRIOR ART REJECTIONS

THE MONGAN REFERENCE

Mongan states it is for improving testing efficiency by using a server computer as central repository for all tests performed on any number of connected client computers.

A test manager determines which tests have passed or failed during execution. (col. 3, lines 57-65) Test results of computer applications are grouped according to their status, i.e., tests that have succeeded, tests with errors, tests that may reveal an application program defect but are difficult or impossible to reproduce, and tests that reproducibility cause an application to fail. A test grouper analyzes the error messages produced by the application being tested, so that tests reveal the same defect can be grouped together. (col. 3, l. 5-17)

The Examiner alleges the claimed "receiving an output of said test unit into a testing system" is disclosed by Mongon's server program 112 determining whether the event was the receipt of the test result 110 results from the client program 106 in column 7, l. 41-43. However, this does not teach or suggest "receiving an output of said test unit into said testing system, wherein the testing system performs a real-time exchange of one of time-critical and state-critical messages and data representing real-time inputs and outputs to and from the test unit for a protocol as if the unit is on-line in its normal installation," as recited in claims 1 and 11. Further, the Examiner alleges the claimed expert system is disclosed by the test grouper 122 connected to the server 104 in col. 3, lines 36-45. The test grouper performs the grouping of test results described above. However, this does not teach or suggest "connecting said test unit to a testing system in a laboratory environment, wherein the test unit is off-line from the normal installation of the test unit." Mongol's server 104 and test grouper 122 are connected in

their normally-installed locations - in a network 100. The claimed test system operates off-line from a normal installation. However, instead of merely analyzing and grouping error messages produced by the application, as disclosed in Mongon, the claimed invention performs a real-time exchange of one of time-critical and state-critical messages and data that are performed between the test unit and test system as if the test unit is still on-line. The test system exchanges messages and state information in real-time according to the changed messages in a protocol that cannot be tracked by merely gathering an error message from a passive depository bank of messages that is used in Mongon.

The Examiner alleges that the claimed comparing step is disclosed by test grouper 122 analyzing the error messages generated by the application program 108 and comparing the messages with the error message database 128 to determine if there is a match with previously executed test errors in col. 8, lines 50-60. However, this fails to teach or suggest "comparing, in said expert system, said output with an expected result for said protocol at each one of said time-sensitive and state sensitive inputs and outputs," as recited in claims 1 and 11, because the Mongon system merely compares the passively-gathered error messages and groups the like errors together. The claimed system interacts with the tested unit and analyzes output for a protocol according to time-sensitive and state-sensitive inputs *and* outputs. This is not performed by the error grouper device 122 in Mongon.

Further, Mongon fails to teach or suggest “evaluating relationships of the facts and the rules within said output across multiple input and output data units exchanged between the test system and the test unit,” as recited in claims 2 and 12. The claimed protocol analyzer looks at the real-time exchanges according to results of a protocol as the protocol progresses. This is far different from gathering and grouping passive error messages collected from computers in a network.

THE ASHER REFERENCE

The Examiner alleges claims 7, 9-10, and 17-19 are unpatentable over Mongon in view of Asher. The Examiner admits that Mongon fails to disclose the steps of claims 7 and 17 for multiple systems. For the reasons stated below, Asher fails to make up for the shortcomings of Mongon.

Asher shows a client machine 200 that communicates with server 202 across a LAN 204, where a network incident analyzer may be implemented between client machine 200 and server 202 in paragraph 30. Further, in paragraph 20, the analyzer includes logic and routines that may very and redirect queries to various troubleshooting system and may respond to troubleshooting information, perform logical analysis of the information and more accurately identify a fault. However, this fails to teach or suggest “capturing ...a real-time exchange of one of time-critical and state-critical messages and the data representing real-time inputs and outputs to and from the first test unit and the

second test unit for the protocol as if the second test unit is on-line in its normal installation," in claims 7 and 17 The Asher and Mongon combination are both passive network analyzer systems that would gather data between two computers or units on a network. Besides the different use than Asher of the claimed invention off-line, as explained above, the Asher system does not interact in real-time to provide analysis of a protocol as the protocol progresses.

For the reasons stated above, Applicant submits that claims 1-19 are patentable over the cited references. Applicant respectfully requests the Examiner to reconsider and withdraw the rejections.

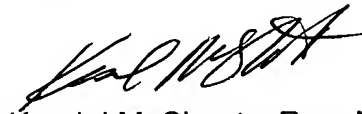
CONCLUSION

The informalities in the specification have been corrected as requested by the Examiner.

In view of the above amendments, the Examiner is respectfully requested to pass the above application to issue at the earliest possible time. Should the Examiner find the application to be other than in condition for allowance, the Examiner may contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 20-0668.

Respectfully submitted,



Kendal M. Sheets, Reg. No. 47,077
Joseph J. Zito, Reg. No. 32,076
Customer No. 23494
(301) 601-5010

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 5, 2006.


Kendal M. Sheets

6-5-06
Date